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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,712	05/01/2001	John Todd Bergman	1420.002US1	3823
21186	7590	04/20/2004		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER PREVIL, DANIEL	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,712

Applicant(s)

BERGMAN ET AL.

Examiner

Daniel Previl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 19 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-37 is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-19, 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on January 2, 2004.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7, 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "the monitoring station" in line 7, there is insufficient antecedent basis for this limitation in the claim.

Claims 2-7, 27-29 are rejected for the same reason since they depend from a rejected claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 18-19, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pildner et al. (US 5,625,338) in view of McClure (US 5,923,731).

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1. Regarding claim 1, Pildner discloses a receiver to receive a wireless signal from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event (the control panel has a receiver 6 as well as transmitter 8 and as such, can receive RF signals from any of the components of the security system such as keypad 16, sounder 40 and sensors 50 and control panel send an alarm report to telephone channel 12, the control panel processes logic signals (encode) regarding a fire detector) (col. 3, lines 5-50); a power supply comprising a telephone line (AC power connector 14 and a battery power backup comprising telephone channel 12) (fig. 1, ref. 12, 14, 15).

Pildner discloses every feature of the claimed invention but fails to explicitly disclose a phone port to connect to a telephone line, wherein the phone port is further to receive configuration data from monitoring station.

However, McClure discloses a phone port to connect to a telephone line, wherein the phone port is further to receive configuration data from monitoring station (phone jack 11 on the main control unit 12 connects to a phone directly to the unit) (fig. 1; col. 4, lines 8-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McClure in Pildner. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety.

Regarding claims 2, 3, 6, the above combination discloses all the limitations in claim 1 and McClure further discloses a memory to contain data received from the control panel (main controller unit 12) (col. 6, lines 58-62).

Regarding claims 4, 7, the above combination discloses all the limitations in claim 1 and McClure further discloses the control panel is too slow to accommodate a second data rate between the phone interface device and the monitoring station (in dial out alarm, main control unit 12 will disconnect all down line phones long enough to stabilize the dial tone before initializing the dial out procedure which begins the dial out with the data from the non-volatile memory. After dial out, the main control unit takes 40 second time out) (col. 7, lines 22-44).

Regarding claim 5, the above combination discloses all the limitations in claim 1 and McClure further discloses the controller is to buffer the data in the memory in anticipation of the memory station requesting the data (col. 6, lines 58-67).

Regarding claim 8, Pildner discloses a transmitter configured to send the configuration data via a wireless signal to control panel (sensors 50 have their own transmitter 52 and therefore send signals to control panel 4) (fig. 1; col. 3, lines 34-35); a power supply comprising a telephone line (AC power connector 14 and a battery power backup comprising telephone channel 12) (fig. 1, ref. 12, 14, 15).

Pildner discloses every feature of the claimed invention but fails to explicitly disclose a phone port configured to connect to a telephone line and to receive configuration data.

However, McClure discloses a phone port configured to connect to a telephone line and to receive configuration data (phone jack 11 connects a phone directly to the unit, activates a programmed sequence of call out and message forwarding events) (fig. 1; col. 4, lines 8-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McClure in Pildner. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety.

Regarding claim 9, the above combination discloses all the limitations in claim 8 and McClure further teaches a memory store the configuration information for communication to the control panel (col. 6, lines 58-63).

Regarding claim 10, the above combination discloses all the limitations in claim 8 and McClure further teaches a control panel while the phone port is on hook (col. 7, line 61).

Regarding claim 11, the above combination discloses all the limitations in claim 7 McClure further teaches a control panel while the phone port is off hook (col. 5, line 30).

Regarding claim 12, the above combination discloses all the limitations in claim 8 and McClure further teaches the phone port is to call a designated device

to report success or failure of transmission of the configuration data (col. 7, lines 17-65).

Regarding claim 13, the above combination discloses all the limitations in claim 8 and McClure further teaches a phone port to receive tones from a telephone (this circuit allows for the reception of DTMF tones from the telephone line via a handset through jack J4 31) (col. 5, lines 61-65); a transmitter to relay the tones to a control panel via a wireless signal (DTMF transceivers are converted tones for transmission to the alarm company) (col. 5, lines 60-67, col. 6, lines 1-15).

Regarding claim 14, the above combination discloses all the limitations in claim 8 and McClure further teaches the tones are DTMF tones (col. 5, line 61).

Regarding claim 15, the above combination discloses all the limitations in claim 8 and McClure further teaches the telephone and the telephone are on the same premises (fig. 1).

Regarding claim 16, the above combination discloses all the limitations in claim 8 and McClure further teaches the telephone is off-premises from the phone-interface device (col. 3, lines 50-54).

Regarding claim 18, the above combination discloses all the limitations in claim 8 and McClure further teaches a sensor to sense a trouble condition at the phone interface device (a detector detects circumstances such as cut telephone lines and off-hook condition) (col. 2, lines 51-55).

Regarding claim 19, the above combination discloses all the limitations in claim 8 and McClure further teaches the trouble condition comprises phone line removal (cut telephone lines) (col. 2, line 52).

Regarding claims 27, 30, Pildner discloses power supply further comprises a battery (fig. 1, col. 3, line 14).

Regarding claims 28, 31, Pildner discloses the power supply is supplied to the phone interface through the phone line and a battery (fig. 1).

Regarding claims 29, 32, Pildner discloses phone interface power is different from a power supply of the control panel (the control panel is electrically connected to AC power supply inherently different from the telephone channel 12 power supply) (fig. 1; col. 3, lines 18-20)

Response to Arguments

3. Applicant's arguments filed on January 2, 2004 have been fully considered but they are not persuasive.

According to Applicant's argument on page 2, "neither Pildner or McClure describe a phone interface device comprising a receiver, a phone port and a power supply wherein the receiver is configured to receive a wireless signal from a control panel". The examiner respectfully disagrees with the Applicant because Pildner clearly discloses a phone interface (telephone channel 12) coupled to the control panel 4, ac power 14, power backup 15 wherein RF receiver is coupled to

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control panel 4 which is coupled to telephone channel 12) (fig. 1; col. 3, lines 3-33).

Applicant has argued that "neither references disclose a telephone interface device". The examiner respectfully wants the Applicant to know that ---an interface is a connector used to link devices----Based on this definition, telephone channel 12 of Pildner is considered as a telephone interface device. The telephone line of McClure is a telephone interface device (abstract).

The examiner examines the claims as written and the examiner interprets the claims as broad as they are.

In response to applicant's argument that there is no suggestion to combine Pildner and McClure, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case, Pildner discloses and McClure are directed to telephone interface device. So, the combination is proper.

In response to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Applicant's disclosure, such a reconstruction is proper. In re McLaughlin, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

For at least the above reason, the rejection of claims 1-16, 18-19, 27-32 is sustained.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Allowable Subject Matter

1. Claims 33-37 allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: In combination with all the limitations in the claim, the prior arts fail to disclose or make obvious: the phone interface device is not fast enough to keep up with the data transfer rate of the data to be transmitted from the phone port, then the data is transferred from the memory to the phone port at a data transfer approximately equal to the data transfer rate of the phone port; if the wireless link is fast enough to keep up with the data transfer rate of the data to be transmitted from the phone port, the data is transferred real time from the control panel to the phone port at the data transfer rate of the data to be transmitted from the phone port; transmit and receive a provisional alarm upon activation of the entry sensor.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kimmel et al. (US 6,281,790) discloses a method and apparatus for remotely monitoring a site.

Peterson (US 6,175,307) discloses a security system with audible link and two-way communication.

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Addy (US 5,822,373) discloses a method and apparatus for optimization of wireless communication.

Peterson (US 5,920,270) discloses a security system remote control.

Brunius et al. (US 6,114,955) discloses a system and method for antenna failure detection.

Delmonaco (US 6,052,052) discloses a portable alarm system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703 305 4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4700.

Daniel Previl
Examiner
Art Unit 2632

DP
April 5, 2004.



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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